

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL No. 1456
Master File No. 1:01-CV-12257-PBS
Sub Docket No. 1:10-CV-11186-PBS

THIS DOCUMENT RELATES TO:
*United States ex rel. Ven-A-Care of the Florida
Keys*
v.
*Baxter Healthcare Corporation and Baxter
International Inc.*

Judge Patti B. Saris

THE PARTIES' JOINT MOTION FOR ENTRY OF A SCHEDULING ORDER

Counsel for Defendants Baxter Healthcare Corporation and Baxter International Inc. and
Counsel for Relator Ven-A-Care of the Florida Keys have conferred and have jointly agreed
upon a proposed schedule for this case as set forth in the attached document. The parties hereby
request that the Court accept and adopt the proposed schedule.

Respectfully submitted,

Dated: October 15, 2010

/s/ Tina D. Reynolds

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CERTIFICATE OF SERVICE

I hereby certify that I, Tina D. Reynolds, an attorney, caused a true and correct copy of the foregoing **THE PARTIES' JOINT MOTION FOR ENTRY OF A SCHEDULING ORDER** to be delivered to all counsel of record by electronic service via LexisNexis File & Serve, on October 15, 2010, for posting and notification to all parties.

/s/ Tina D. Reynolds

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[PROPOSED] SCHEDULING ORDER

October __, 2010

Saris, U.S.D.J.

WHEREAS, Relator Ven-A-Care of the Florida Keys ("Relator") filed its original complaint on June 23, 1995, and an amended complaint on May 14, 2010 in the U.S. District Court for the Southern District of Florida;

WHEREAS, the amended Complaint was unsealed on May 28, 2010 and assigned Civil Action No. 1:10-cv-21745-ASG;

WHEREAS, the matter was transferred to the District of Massachusetts by the Judicial Panel for Multidistrict Litigation on July 15, 2010 and assigned Case No. 10-cv-11186-PBS;

WHEREAS, that case was consolidated with Case No. 01-cv-12257-PBS (MDL No. 1456) on July 16, 2010;

WHEREAS, counsel for the Relator and counsel for Defendants have begun to discuss the possibility of a resolution of this matter without the need for further litigation;

WHEREAS, on September 29, 2010, this Court approved a proposed scheduling order whereby the parties were to engage in formal mediation prior to October 29, 2010 in an attempt

to resolve this matter and, if not successful, were to file by no later than November 15, 2010, a joint proposed schedule to the Court for motion to dismiss briefing.

WHEREAS, the parties have made some progress toward resolution of this matter and would like to continue to pursue informal resolution at this time.

NOW THEREFORE, it is ORDERED, as follows:

1. Relator and Defendants shall continue to engage in informal mediation prior to December 31, 2010 in an attempt to resolve this matter;
2. All deadlines shall be stayed during the pendency of this mediation period;
3. Should mediation not be successful, the parties will, by no later than January 17, 2011, jointly propose a schedule to the court for motion to dismiss briefing.

So ordered.

Judge Patti B. Saris